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To the benefit of the City of San Diego, Exempt from fees per Gov't Code § 6103.

Attorneys for Defendant  
Brian Cornell

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

10 RAYMOND ROBINSON, ) Case No. 08 CV 0244 W BLM  
11 Plaintiff, )  
12 v. ) DEFENDANT BRIAN CORNELL'S  
13 DAVID RUBIN and BRIAN CORNELL, ) NOTICE OF MOTION AND MOTION  
14 Defendants. ) TO DISMISS PLAINTIFF'S FIRST  
15 ) AMENDED COMPLAINT  
16 ) [Fed. R. Civ. P. Rule 12(b)(6)]  
17 ) [NO ORAL ARGUMENT PURSUANT  
18 ) TO LOCAL RULE 7.1]  
19 )  
20 ) Date: June 6, 2008  
21 ) Time: 1:30 p.m.  
22 ) Courtroom: 10  
23 ) Judge: Hon. Dana M. Sabraw

19 | TO: PLAINTIFF AND HIS ATTORNEY OF RECORD:

20 PLEASE TAKE NOTICE that on June 6, 2008, at 1:30 p.m., or as soon thereafter as this  
21 matter may be heard, in the Courtroom of the Honorable Dana M. Sabraw, United States District  
22 Court Judge, Courtroom 10 located at the United States District Court for the Southern District of  
23 California, 940 Front Street, San Diego, CA, Defendant Brian Cornell (“Cornell”) will move, and  
24 hereby moves, this Court to dismiss the First Amended Complaint against Cornell pursuant to  
25 Rule 12(b)(6) of the *Federal Rules of Civil Procedure*.

26 For the reasons set forth in the attached Memorandum in Support of this Motion,  
27 incorporated herein by reference and on the records and files in the case and on such additional  
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1 argument or evidence as may be presented at hearing, said Defendant respectfully requests that  
2 the First Amended Complaint in this matter as to Cornell be dismissed.

3 Dated: May 8, 2008

MICHAEL J. AGUIRRE, City Attorney

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5 By /s/ Walter C. Chung  
6 DANIEL M. BAMBERG  
7 WALTER C. CHUNG  
8 Deputy City Attorneys  
9 Attorneys for Defendant Brian Cornell

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